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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/767,315	01/22/2001	Hiram Rivera	001222/L	3534
7590 01/14/2004			EXAMINER	
John P. Sinnott			LEE, EDMUND H	
Langdale, Vall				
P.O. Box 1547			ART UNIT	PAPER NUMBER
Valdosta, GA 31603			1732	***************************************

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 22 January 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) M Ib) Some "c) None of: 1. Certified copies of the priority documents have been received in Application No. 2. Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) in an Application Data Sheet. 37 CFR 1.78. 15) Notice of Draftsperson's Patent Drawing Review (PTO-9		Application No.	Applicant(s)				
## Examiner ## Communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Examiner is a variety as evaluated under the provisions of 37 CPR 1.196(a). In no event, however, may a reply be limely filled - If the period for reply is specified above, the maximum shaddory parted will apply and will apply and will be considered timely. - If the period for reply as specified above, the maximum shaddory parted will apply and will open EM (6) MCCPTE firm the mailing date of this communication. - If the period for reply as specified above, the maximum shaddory parted will apply and will open EM (6) MCCPTE firm the mailing date of this communication. - If the period care the maximum shaddory parted will apply and will open EM (6) MCCPTE firm the mailing date of this communication, even if limitly filled, may reduce any search parted them depleted them been comined whether mailing date of this communication, even if limitly filled, may reduce any search parted parted them administration. - Application is FINAL. - 2b) This action is non-final. - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims - 4) Claim(s)		09/767,315	RIVERA ET AL.				
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DETAILED ACTION

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-9, drawn to a method for making plastic sanitaryware and a process for making a female mold, classified in class 264, subclass 69.
 - Claims 10-14, drawn to a female mold and a production fixture, classified in class 425, subclass 117.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as forming molding decorative signs instead of sanitaryware.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. If Group I of the above restriction requirement is elected then the following species election of the claims drawn to Group I is appropriate. This application contains claims directed to the following patentably distinct species of the claimed invention:

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space.

a) those claims directed to manufacturing plastic sanitaryware.

A1) the claim directed to pouring the resinous backing material into the

- B1) the claim directed to pumping the resinous backing material into the space.
 - b) those claims directed to manufacturing a female mold.
- 5. If Group II of the above restriction requirement is elected then the following species election of the claims drawn to Group II is appropriate. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - c) those claims directed to a female mold.
 - d) those claims directed to a production fixture.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is

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571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

EDMUND H. LEE Primary Examiner Art Unit 1732

EHL

Edun Sun 1/7/04